

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PUI AUDIO, INC.,	:	
	:	
Plaintiff,	:	Case No. 3:21-cv-284
	:	
v.	:	Judge Thomas M. Rose
	:	
MICHAEL VAN DEN BROEK, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER GRANTING, IN PART, AND DENYING, IN PART,
DEFENDANTS’ MOTION FOR LIMITED DISCOVERY (WITHIN DOC. NO.
21)**

As mentioned in the Court’s Order entered this morning (Doc. No. 22) that granted, in part, and denied, in part, the Renewed Motion for Expedited Limited Discovery filed by Plaintiff PUI Audio, Inc. (“PUI”), Defendants Michael Van Den Broek (“Van Den Broek”) and MISCO, Inc. (“MISCO”) filed a Motion for Limited Discovery within their response to PUI’s motion. (*See* Doc. No. 22 at PageID 317-18.) Again, Defendants state that, “[t]o the extent that the Court grants expedited discovery with respect to these written discovery requests [proposed by PUI], Defendants now move that [PUI] be required to respond to Defendants[’] proposed expedited interrogatories and request for production of documents” by November 11, 2021. (*Id.*; Doc. No. 21 at PageID 306.) The Court did grant expedited discovery with respect to some of the written discovery requests proposed by PUI (*see* Doc. No. 22), so the Court will address Defendants’ motion. PUI filed a Response to the motion (Doc. No. 23) and the Court issued a short Notation Order based on representations made in that Response. However, Defendants subsequently filed a Reply (Doc. No. 24) and, while nothing in this Order precludes any party (or the parties jointly)

from moving for entry of a proposed protective order, the Court will now rule on Defendants' motion for limited discovery (within Doc. No. 21).

The Court set forth the applicable law in its Order entered this morning (Doc. No. 22) and adopts and applies that same law in ruling on Defendants' motion for limited discovery. Having considered Defendants' requests based on the entirety of the record to date and in light of the surrounding circumstances (including timing of the preliminary injunction hearing and expiration of the temporary restraining order), the Court finds that Defendants have met their burden of showing good cause with respect to some of their proposed expedited discovery requests (as set forth below), while failing to meet their burden of showing good cause with respect to the others. The Court finds that many of Defendants' proposed requests have minimal relevance to the issues to be considered on PUI's motion for preliminary injunction (Doc. No. 18) and that there is not good cause to permit them—particularly in light of the potentially burdensome nature of providing the requested information.

The Court finds good cause to require certain, limited expedited discovery. Specifically, the Court **ORDERS** the following:

1. On or before Thursday, November 11, 2021, PUI shall respond to and produce any responsive documents with respect to Request for Production of Documents number 2 that is set forth on Doc. No. 21-1 at PageID 315.
2. On or before Thursday, November 11, 2021, PUI shall respond to the following interrogatories:
 - a. Interrogatory number 5 that is set forth on Doc. No. 21-1 at PageID 313.
 - b. Interrogatory number 11 on Doc. No. 21-1 at PageID 314 as modified to state the following: "Identify both the products and the markets in which

MISCO competes with PUI.”

Any responses and production by PUI should (at least) be sent to counsel for Defendants by email at the email addresses on record in this case. This Order in no way should be read as allowing employees of MISCO access to PUI’s trade secret information. The Court allows PUI to make limited redaction in any documents produced in this expedited discovery in order to protect PUI’s trade secret, proprietary, or confidential information; however, this does not allow PUI to redact information that is known by MISCO (including based on the testimony given at the November 1, 2021 evidentiary hearing).

DONE and **ORDERED** in Dayton, Ohio, this Friday, November 5, 2021.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE